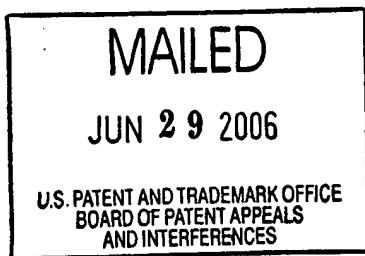


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte KENNETH DEH-LEE

Appeal No. 2006-0517
Application No. 10/056,592

ON BRIEF

Before CRAWFORD, LEVY, and FETTING, Administrative Patent Judges.
LEVY, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 2 and 4-24, which are all of the claims pending in this application.

We AFFIRM-IN-PART.

BACKGROUND

The appellant's invention relates to a dynamic knowledge expert retrieval system (specification, page 1). Specifically, the invention relates to a method of generating a search result

list of experts substantially in real-time in response to a search request from a user (id.). Weights are assigned by the user to certain searching parameters so that certain expert attributes are more important than others (specification, page 5).

Claim 1 is representative of the invention, and is reproduced as follows:

A method of identifying relevant experts using a search request from a user, comprising:

maintaining an updateable and searchable database of expert profiles, wherein the profiles include attributes of a particular expert, and wherein one of the attributes is the expert's real-time availability;

receiving a search request from the user; and applying a weight designated by the user to the attributes of a desired expert.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Henderson et al.	5,544,049	Aug. 6, 1996
Grube et al.	5,570,100	Oct. 29, 1996
Walker et al.	5,862,223	Jan. 19, 1999
Lauffer	6,223,165	Apr. 9, 2001
Chao et al.	6,325,632	Dec. 4, 2001
Hice	6,370,231	Apr. 24, 2002
		(filed Nov. 24, 1999)
Keen.com (Keen) "KEEN: Your Personal Advisor"		Oct. 30, 2001

Claims 1, 3-9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chao.

Claims 2, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chao, and further in view of Henderson.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chao, Henderson, and further in view of Keen.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chao, Henderson, and further in view of Lauffer.

Claims 18, 19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chao, Henderson, and further in view of Hice.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Chao, Henderson, Hice, and further in view of Grube.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the answer (mailed August 8, 2005) and the final rejection¹ (mailed January 4, 2005) for the examiner's complete reasoning in support of the rejections, and

¹The final rejection is referred in the examiner's answer, page 4).

to the brief (filed June 3, 2005) and reply brief (filed October 7, 2005) for the appellant's arguments thereagainst.

Only those arguments actually made by appellant have been considered in this decision. Arguments which appellant could have made but chose not to make in the brief have not been considered. See 37 CFR § 41.37(c)(1)(vii)(eff. Sept. 13, 2004).

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the rejections advanced by the examiner, and the evidence of obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellant's arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

Upon consideration of the record before us, we make the determinations which follow. We begin with the rejection of claims 1, 3-9, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao. We turn first to claim 1.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). If that burden is met, the burden then shifts to the applicant to overcome the prima facie case with argument and/or

evidence. Obviousness is then determined on the basis of the evidence as a whole. See id.; In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976).

The examiner's position (answer, page 5) is that Walker does not teach a method including applying a weight designated by the user to the attributes of a desired expert. To overcome this deficiency of Walker, the examiner turns to Chao for a teaching of applying a weight designated by the user to the attributes of a desired expert.

Appellants' position (brief, page 7) is that the combination of Walker and Chao fails to disclose maintaining . . . the expert's real-time availability. It is argued (id.) that because Walker discloses requests are sent and bids are collected, that the availability standard noted by the examiner cannot be in real-time. It is further argued (id.) that at best, Walker discloses an expert that responds on short notice. Turning to Chao, appellant does not dispute Chou's teaching of the user applying a weight to the attributes of a desired expert. Nor does appellant argue the combinability of the references.

Rather, appellant argues that Chou does not include real-time availability of an expert.

In the reply brief, appellant notes (page 3) that Walker's database can keep "availability standards," but asserts that "[m]erely keeping the expert's 'overall availability' is not the same, or even similar to maintaining an expert's availability in real time. See e.g., Present Application, paragraph [0028]. With respect to the examiner's assertion (answer, pages 9 and 10) that Walker discloses real-time communications between an expert and a user based on the expert's willingness to allow such communications, it is argued (id.) that "an expert's willingness to establish real-time communications is a different and completely independent limitation from maintaining the expert's real-time availability." Appellant further asserts (reply brief, page 4) that "presenting a user with a list of experts from which to choose and putting the user in direct communication with an expert is not the same limitation as "maintaining ... the expert's real-time availability," as required by claim 1. With regard to the examiner's assertion (answer, page 10) that

In order for the controller to search the expert database to find an expert database to find an expert that meets criteria 117, criteria that includes the time frame required for response, the expert database would have to include information

about an expert's schedule and availability,
information that would qualify as the claimed
"expert's real-time availability."

It is argued (id.) that "this reasoning is flawed because merely keeping the expert's 'overall availability' is not the same, or even similar to maintaining an expert's availability in real time," as required by claim 1.

From all of the above, the issue before us regarding claim 1 is whether the disclosures of Walker and Chou would have taught or suggested to an artisan "maintaining . . . the expert's real-time availability." We begin with claim construction. Before addressing the examiner's rejections based upon prior art, it is an essential prerequisite that the claimed subject matter be fully understood. Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 103 begins with a determination of the scope of the claim. The properly interpreted claim must then be compared with the prior art. Claim interpretation must begin with the language of the claim itself. See Smithkline
Diagnostics, Inc. v. Helena Laboratories Corp., 859 F.2d 878,
882, 8 USPQ2d 1468, 1472 (Fed. Cir. 1988). Accordingly, we will initially direct our attention to appellants' claim 1 to derive an understanding of the scope and content thereof.

We find that the claim language "maintaining an updateable and searchable database of expert profiles, wherein the profiles include attributes of a particular expert, and wherein one of the attributes is the expert's real-time availability;" does not require that the expert is always available in real-time. What the claim requires is that the database maintains profiles of the experts, including the attribute of the expert's real-time availability. This does not require that the expert always be available in real-time, but that the attribute of the availability of the expert is maintained by the system. Thus, whether an expert is available or not for real-time communication with a user is what is maintained by the system database. We find this interpretation to be consistent with the disclosure found in appellant's specification, for the reasons which follow.

The specification discloses (page 1) that the solution to overcoming the problems of the prior art is to provide a mobile web application that allows a user to access experts, and relates to a method of generating a search result list of experts substantially in real-time in response to a search query from a user. The database can be updated by the expert (page 2). The expert may update the Expert Retrieval System by going on-line. The Expert Retrieval System 110 can also be updated to reflect an

expert's work assignments. A work assignment can be thought of as the expert's schedule for the day. Work order system 130 keeps track of estimated times of arrival and/or completion times for the experts. This data may be used to determine whether the expert is available or busy at a particular time (page 3). If an expert is unavailable for consulting in step 202, the expert can indicate the estimated time before the expert will be available for another assignment (page 4). In one embodiment, each consulting request can be queued and answered in order (id.).

The specification further discloses (page 6) that

In one embodiment, the user may contact the selected expert by clicking on the expert's name as displayed in the results list. After the expert's name is clicked, a pop-up menu may be displayed showing different contact methods, such as email, telephone, mail, or on-line messaging. If the user wants to consult by email, "email" is selected and an email interface appears enabling the user to send an email message to the expert. If the user want to consult by telephone, "telephone" is selected and the expert's telephone contact information is displayed.

It is further disclosed (page 7) that "[i]f the user wants to consult in real-time, for example by telephone or on-line messaging, he or she selects 'telephone' or 'on-line' options from the expert's contact information." In step 214, the user requests interactive or real-time advice. If the expert engages

in real-time consulting, the expert's status can change to "unavailable" or "available but consulting online" (id.).

From the disclosure of appellant's specification, it is clear that the expert is not always available and that the system maintains the attribute of their availability, whether or not they are available for a consultation.

Turning to Walker, we find that the reference (col. 3, lines 47-50) recognizes the situation where an expert has thirty minutes to spare between classes every Wednesday and would like to locate a client project that required just twenty or thirty minutes to complete each week. Walker gives the example of the situation where (col. 3, lines 54-57) for example, if he didn't expect to have free time this evening, and things suddenly changed, could he possibly find a client in the next few hours? An object of Walker's invention (col. 6, lines 22 and 23) is to "provide a real-time connection between the client and the expert." In one embodiment of the invention, a user who requires information from an expert accesses an on-line Exchange located at a remote server (col. 7, lines 6-8). In another embodiment, when an expert is available to answer a question, he logs in to the Exchange and enters his expert ID (col. 8, lines 29-31). Walker further discloses (col. 9, lines 1-4) that "[a]nother

embodiment of the present invention allows the expert and the user to communicate directly once they are put in contact with each other through the Exchange. This allow the user to receive real-time feedback on requests."

Expert database 255 maintains data on the experts, including, inter alia, availability standards (col. 14, lines 25-28). The expert qualifications database 285 maintains information on, inter alia, the expert's response times. In an alternative embodiment the two databases 255 and 285 can be combined into a single database (col. 15, lines 7-9).

In the Synchronous Communications Embodiment of the invention of Walker, end users who require continuous interaction with an expert can establish a synchronous communication channel with the expert. Although many problems can be solved using an asynchronous communications protocol, those problems requiring follow up questions from the expert to the end user, and vice versa, need real-time communications (col. 26, lines 22-29). Walker further describes this embodiment(col. 26, lines 38-57) as follows

In the described embodiment, the expert and the end user exchange a series of end user requests **120** and expert answers **130** using a one-to one synchronous communications channel

such as telephone, real-time text messaging or video conferencing.

The end user can request a synchronous communication channel when he makes his initial end user request **120** using any of the embodiments of the present invention including the asynchronous communications embodiment and the interactive selection embodiment. If criteria **1 17** includes a request for real time communications, central controller **200** generates a list of all qualified experts (as shown in **FIG. 7**, step **700**) who are willing to establish a synchronous communications channel. although many synchronous communications channels may be used, in this embodiment an online messaging system is described which uses a standard online service to provide the real-time text-based communications link between the expert and the end user.

In further description of the Synchronous Communications Embodiment Walker discloses (col. 26, line 64 through col. 27, line 3) that

The end user types end user requests **120** directly to message window **170** which appears on video monitor **530**. Simultaneously, the experts sees end user request **120** on his video monitor **430**. When the expert types expert answer **130**. The end user instantly sees expert answer **130** and responds with another end user request **120** or exits the system.

From the disclosure of Walker of the expert logging in when available to answer questions; the database maintaining information as to the availability standards and response times; the disclosure that if there is a request for real-time

communications, and the controller generates a list of all qualified experts who are willing to establish a synchronous communication channel, we find that Walker discloses "maintaining . . . the expert's real-time availability" as recited in claim 1.

We are not persuaded by appellant's assertion (brief, page 7) that because [some embodiments of] Walker provide for requests to be sent and bids received, that Walker cannot provide real-time availability in an alternate embodiment. Nor are we persuaded by appellant's assertion (id.) that Walker does not contemplate a user having access to the expert's availability in real-time. From Walker's disclosure of, in response to a user request for a synchronous communication, generating a list of all qualified experts who are willing to establish a synchronous (real-time) channel (col. 26, lines 29 and 49-53) we find that Walker does contemplate a user having access to the expert's availability in real-time.

With regard to appellant's assertion (reply brief, page 3) that "an expert's willingness to establish real-time communications is a different and completely independent limitation from maintaining the expert's real-time availability," we note that because the system maintains the availability of the

experts and can generate a list of experts who are willing to establish a real-time communication with a user, that Walker discloses maintaining the expert's real-time availability.

Turning to the Chao reference, from our review of the reference we find that Chao's matching of students with instructors is equivalent to matching a user with an expert. From Chao's disclosure (col. 5, lines 35-65) of applying a weight to some of the attributes, and the lack of any arguments regarding combinability, or Chao's disclosure of applying weights to attributes, we agree with the examiner, for the reasons set forth in the examiner's answer, that an artisan would have been motivated to apply weights to attributes in Walker.

From all of the above, we find that the teachings of Walker and Chao would have suggested the limitations of claim 1, and are not convinced of any error on the part of the examiner. The rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao is affirmed. Claims 5, 7, 8, 15 and 16 have not been separately argued other than to point out that the claims require maintaining... attributes of an expert,... wherein one of the attributes is the expert's real-time availability. As we found, supra, with respect to claim 1

that Walker discloses this feature, the rejection of claims 5, 7, 8, 15 and 16 under 35 U.S.C. § 103(a) is affirmed.

In addressing the rejections of the remaining claims, infra, we make reference to our findings, supra, with respect to the teachings and suggestions of Walker and Chao.

We turn next to claims 17, 20 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao and Henderson. We begin with claim 17, the only remaining independent claim before us for decision on appeal. The examiner's position (answer, page 7) is that Walker and Chao do not teach a system where a ranked list of experts is displayed to the user. To overcome this deficiency of Walker and Chao, the examiner turns to Henderson for a teaching of displaying to a user a ranked list of search results.

Appellant asserts (brief, page 10) that the teachings of Henderson and Walker are not combinable without rendering Walker unsatisfactory for its intended purpose. It is argued that in Walker, there is no list to rank, and imposing the ranked list of Henderson on the exchange of Walker would render Walker unsatisfactory for its intended purpose. From our review of Walker, we do not agree with appellant that in Walker, there is no list to rank. As discussed, supra, Walker discloses (col. 26,

lines 45-57) that when a user makes a request for a synchronous (real-time) communication with an expert, the central controller generates a list of all qualified experts who are willing to establish a synchronous communications channel. As disclosed in col. 26, line 64 through col. 27, line 3, the end user types the end user request directly into message window 170 on the video monitor. Simultaneously, the expert sees the end user request and types in an expert answer, which is instantly seen by the user. Accordingly, we find that in this embodiment, Walker discloses generating a list of qualified experts who are willing to set up a synchronous (real-time) communication session with the end user. As to the list of experts being ranked, we observe that the claim does not require any specific sorting of the information. Rather, the claim only requires that the system generate and display a ranked list of experts, where the experts rank position on the list is determined by a ranking algorithm based on the dynamic and static attributes of an expert. In Walker (col. 25, lines 35-44) an experts qualifications are rated such as Level 1, Level 2, Level 3, etc. From this disclosure, we find that experts are broadly ranked according to their level of expertise in their field. Thus, we find that Walker ranks the experts displayed in the list of experts provided to a user who

requests a synchronous (real-time) communication with an expert. In addition, we find that in displaying the list of experts to a user, that the algorithm used by Walker would rank the experts according to how close the experts are to meeting the user's requirements, as the algorithm pares down the entire list of experts to the list presented to the user. From all of the above, we find that Walker teaches or suggests providing the user with a ranked list of experts, and find Henderson to be cumulative to the teachings of Walker and Chao. The rejection of claim 17 under 35 U.S.C. § 103(a) is affirmed.

Turning to claims 20 and 21, which depend from claim 17, we note that these claims have not been separately argued by appellant. Rather, appellant (brief, page 11) bases their patentability on their dependency from claim 17. Accordingly, these claims fall with claim 17. The rejection of claims 20 and 21 is affirmed.

We turn next to the rejection of claims 4, 6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao. We begin with claim 4. Appellant asserts (brief, page 9) that Walker's database does not automatically update the expert's availability, but rather, the status of the expert's availability is updated once the expert logs in to the Exchange. This

argument is also presented in the reply brief. Claim 4 recites that the database automatically updates the expert's availability.

From our review of the record, we agree with the examiner for the reasons which follow, that Walker teaches or suggests this feature. From our review of the specification, we find that the term "automatically", appears only once (page 8) where it is disclosed that the system can automatically update the expert's status from available to unavailable when the expert's next assignment date begins. In Walker, when an expert is available to answer a question, he logs-in to the exchange (col. 8, lines 29 and 30). From this disclosure, we find that upon logging-in, the system recognizes that the expert is available to answer a question and will automatically update the expert's availability. During ex parte prosecution, claims are given their broadest reasonable interpretation consistent with the specification. We find nothing in the use of the term "automatically", as it appears in appellant's specification, that would preclude us from finding that Walker automatically updates the expert's status when the expert logs-in as being available to answer a question for a customer. Accordingly, the rejection of claim 4 under 35 U.S.C. § 103(a) is affirmed.

We turn next to claim 6. Appellant asserts (brief, page 9) that Walker does not teach a method for maintaining the expert's available time until a next assignment. From our review of Walker, we find that Walker(col. 14, lines 25-29)include information in the database relating to the expert's availability standards. By keeping information regarding the expert's availability standards, we find that the database would implicitly contain data regarding when the expert will or will not be available. This information in the database represents attributes of the experts. In addition, even if the database availability standards did not include information as to when the expert would be available until their next assignment, we find that an artisan would have considered this limitation to have been obvious due to the nature of the problem to be solved; i.e., the need to match a user with an expert in an asynchronous or synchronous mode. From all of the above, the rejection of claim 6 under 35 U.S.C. § 103(a) is affirmed.

We turn next to claim 9. Appellant's position (brief, page 9) is that Walker does not teach or suggest that the attribute is the expert's travel speed. The examiner's position (final rejection, page 4) is that this feature would have been obvious in view of Walker's disclosure of availability standards as an

expert attribute. From our review of Walker and Chao, we cannot sustain the rejection of claim 9, as we find no teaching or suggestion of the expert's travel speed being an attribute in either Walker or Chao. The rejection of claim 9 under 35 U.S.C. § 103(a) is reversed.

We turn next to the rejection of claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao and Henderson. We will sustain the rejection of claim 2 for the reasons that we affirmed the rejection of claim 17. The rejection of claim 2 under 35 U.S.C. § 103(a) is affirmed.

We turn next to the rejection of claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao, Henderson, and Keen. The examiner's position (final rejection, page 10) is that Walker, Chao and Henderson do not teach automatically connecting the user to the expert by interfacing with the expert's name as it appears on the displayed list. To overcome this deficiency of Walker, Chao and Henderson, the examiner turns to Keen for a teaching of automatically connecting the user with the expert by interfacing with the expert's name as it appears in the displayed list, through the use of the "Call Now" icon of Keen.com. Appellant asserts (brief, pages 13 and 14) that Walker does not return a list of experts that can be

ranked as in Henderson, or connected immediately as in Keen.

From our review of Walker, we find, as discussed, supra, a Synchronous Communication Embodiment where the user requests and the expert answers using a one-to-one synchronous communication channel such as telephone, real-time text messaging or video conferencing (col. 26, lines 36-44). Walker explains (col. 26, line 64 through col. 27, line 3) that the end user types end user requests **120** directly to message window **170** which appears on video monitor **530**. Simultaneously, the expert sees end user request **120** on his video monitor **430**. When the expert types expert answer **130**, the end user instantly sees expert answer **130** and responds with another end user request **120** or exits the system. From the disclosure of Walker, we find that the user would have to contact the expert to engage the expert in real-time and to obtain a response from the expert. From the "Call Now" feature of Keene, we find that an artisan would have been motivated to have the user in Walker contact the expert by using the "Call Now" feature of Keen (pages 3-5).

We are not persuaded by appellant's assertion (brief, page 14) that use of the "Call Now" feature in Walker would render Walker unsatisfactory for its intended purpose because in the

synchronous communication embodiment of Walker, the user is seeking to contact the expert for a communication in real-time. In addition, based upon our construction of the language of claim 1, supra, we do not agree with appellant (id.) that the examiner has mischaracterized the language of claim 1, from which claim 10 ultimately depends. From all of the above, the rejection of claim 10 under 35 U.S.C. § 103(a) is affirmed.

We turn next to the rejection of claims 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao, Henderson and Lauffer. We begin with claim 11. The examiner's position (final rejection, page 11) is that Walker, Chao and Henderson do not disclose providing the user with the ability to select the contact medium for contacting the expert, including telephone and email. To overcome this deficiency of Walker, Chao and Henderson, the examiner turns to Lauffer for a teaching of the user having the ability to select the medium for contacting the expert, including telephone and email.

Appellant does not provide any specific arguments regarding Lauffer. Rather, appellant repeats arguments presented earlier with respect to the teachings of Walker, Chao, and Henderson. From our review of Walker, we find that the reference discloses (col. 26, lines 43 and 44) allowing the user to use different

media such as telephone, real-time text messaging (email) or video conferencing to contact the expert. From this disclosure of Walker, we find that the reference teaches or suggests to an artisan allowing the user to select between telephone, email, etc. to contact the expert. In addition, from our review of Lauffer, we agree with the examiner, for the reasons set forth in the final rejection, that Lauffer's disclosure (col. 9, lines 5-8) regarding the connection including any method or technology used to bring together the consumer with one or more experts, including but not limited to telephone, Internet telephony, email, audio, and/or video that an artisan would have been motivated to allow the user of Walker to select the contact medium for communicating with the expert. From all of the above, the rejection of claim 11 under 35 U.S.C. § 103(a) is affirmed. As claims 12-14 have not been separately argued, they fall with claim 11. The rejection of claims 12-14 under 35 U.S.C. § 103(a) is affirmed.

We turn next to the rejection of claims 18, 19, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao, Henderson and Hice. We note at the outset that appellant argues these claims as a group (brief, pages 16 and

17). Accordingly, we select claim 18 as representative of the group.

The examiner's position (final rejection, pages 11 and 12) is that

None of **Walker et al.**, **Chao et al.** nor **Henderson et al.** explicitly teach a system comprising a work order system for processing and storing data related to an expert's work assignments wherein the work order system communicates said work assignment data to said searchable and updateable database, wherein work assignment data comprises data related to estimated time of arrival of an expert and data related to estimated completion time of a work assignment. **Hice**, however, teaches a system comprising a work order system for processing and storing data related to an expert's work assignments wherein the work order system communicates said work assignment data to said searchable and updateable database, wherein work assignment data comprises data related to estimated time of arrival of an expert and data related to estimated completion time of a work assignment (see disclosure of the system for administering service technicians, analogous to the claimed experts, col. 1 line 48 through col. 2, line 12; see also col 3, lines 43-55).

Appellant presents the same arguments, argued, supra, with respect to the teachings of Walker and Henderson. Appellant adds (brief, page 17) that imposing the task management system of Hice on the exchange of Walker would render Walker unsatisfactory for its intended purpose.

From our review of Walker, we note that although the reference discloses the database to include availability

standards of experts, and discloses generating a list of qualified experts willing to engage in synchronous (real-time) communication with a user, we find no explicit disclosure of a work order system that communicates work assignment data with the database. Turning to Hice, we find that the reference is directed to a method and system for calculating the estimated arrival time of a service technician. Specifically, Hice discloses (col. 4, lines 46-50) that "the ETA is calculated by adding the estimated time of completion of the task the technician is currently servicing, plus the estimated time to complete and the travel time for each task that is scheduled prior to the job for which the request was made."

From this disclosure of Hice, we agree with the examiner that applying the teachings of Hice to the other references, an artisan would have been motivated to provide Walker with a work order system that calculates estimated availability of the expert because in Walker, if the expert was not available for a synchronous (real-time) consultation, the user would be interested in knowing when the expert would be available. From all of the above, the rejection of claim 18 under 35 U.S.C.

§ 103(a) is affirmed. As claims 19, 22 and 23 fall with claim 18, the rejection of claims 19, 22 and 23 under 35 U.S.C. § 103(a) is affirmed.

We turn next to the rejection of claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Chao, Henderson, Hice and Grube. The examiner relies upon Grube for a teaching of using GPS to provide location tracking information of an expert's location in relation to a user's location. Appellant (brief, pages 17 and 18) does not provide any arguments regarding Grube other than to assert (brief, page 18) that adding Grube to the other applied references does not comport with the teachings of In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Rather, appellant repeats the arguments presented earlier with respect to Walker, Henderson and Hice. From our review of Grube and the disclosure of Walker (col. 15, line 3) of the database including information as to the location of the expert, we agree with the examiner that it would have been obvious to provide GPS location of the expert as GPS would provide a precise location of the expert. Accordingly, the rejection of claim 24 under 35 U.S.C. § 103(a) is affirmed for the reasons advanced by the examiner.

To summarize, the decision of the examiner to reject claims 1, 2, 4-8 and 10-24 under 35 U.S.C. § 103 is affirmed. The decision of the examiner to reject claim 9 under 35 U.S.C. §103(a) is reversed. No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

[illegible]

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